

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KATHRYN L. JAGOW, DDS, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

ASPEN AMERICAN INSURANCE
COMPANY,

Defendant.

Civil Action No. 2:20-cv-01205-BJR

**STIPULATED MOTION AND
ORDER**

1 Plaintiff Kathryn Jagow DDS and Defendant Aspen American Insurance Company stipulate
2 that Plaintiff shall file an amended complaint and that Defendant's pending motion to dismiss is
3 therefore moot.

4 WHEREAS:

5 1. This action is one of four similar actions pending in this District between plaintiffs
6 represented by Plaintiff's counsel and Defendant.

7 2. On August 10, 2020, Plaintiff filed a complaint in the above-captioned complaint.

8 3. Based on the date of service and Washington law, Defendant must answer, move, or
9 otherwise respond to the complaint no later than September 22, 2020.

10 4. On September 22, 2020, counsel for Defendant met and conferred with counsel for
11 Plaintiff regarding Defendant's intent to move to dismiss Plaintiff's complaint for failure to state a
12 claim. Plaintiff's counsel indicated that Plaintiff would re-plead the complaint.

13 5. In light of Plaintiff's intent to re-plead, the Parties agree that Defendant need not
14 answer, move, or otherwise respond to Plaintiff's original complaint. Plaintiff shall file an
15 amended complaint no later than October 6, 2020, and Defendant shall answer, move, or otherwise
16 respond to Plaintiff's amended complaint no later than the 14th day after Plaintiff files the
17 amended complaint, exclusive of the day of filing, unless the Court sets a different schedule.

18 6. The Parties submit this stipulated motion for the avoidance of all doubt and to
19 memorialize their understanding. The stipulated motion is made in the interest of justice, not to
20 delay the proceedings, and will not prejudice any party.

21 IT IS HEREBY STIPULATED AND AGREED, pending the Court's approval, that (1)
22 Plaintiff shall file an amended complaint in the above-captioned action no later than October 6,
23 2020; (2) Defendant shall have no obligation to answer, move, or otherwise respond to Plaintiff's
24 original complaint, and shall not be held in default for failure to do so; and (3) Defendant shall
25 answer, move, or otherwise respond to Plaintiff's amended complaint no later than the 14th day
26 after Plaintiff files an amended complaint, exclusive of the day of filing, unless the Court sets a
27 different schedule.

28 The Parties respectfully request the Court to enter the accompanying Proposed Order

1 granting the above-articulated stipulated agreement.

2
3 DATED this 22nd day of September, 2020.

4
5 KELLER ROHRBACK L.L.P.

6 */s/ Amy Williams-Derry**

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**signed with permission*

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Attorneys for Defendant

ORDER

The Court has considered Plaintiff Kathryn L. Jagow DDS's and Defendant Aspen American Insurance Company's Stipulated Motion and [Proposed] Order. The Court **HEREBY ORDERS** the following:

1. Plaintiff shall file an amended complaint no later than October 6, 2020;
2. Defendant shall have no obligation to answer, move, or otherwise respond to Plaintiff's original complaint, and shall not be held in default for failure to do so; and
3. Defendant shall answer, move, or otherwise respond to Plaintiff's amended complaint no later than the 14th day after Plaintiff files an amended complaint, exclusive of the day of filing, unless the Court sets a different schedule.

IT IS SO ORDERED.

Dated: September 23, 2020.



Honorable Barbara J. Rothstein
UNITED STATES DISTRICT JUDGE